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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 23 October 2009 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on the situation of human rights in the Union of Myanmar.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 69 (c).

(*Signed*) Than **Swe**
Permanent Representative

09-57704 (E) 271009

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Annex to the letter dated 23 October 2009 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the situation of human rights in the Union of Myanmar

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I. Introduction

1. The General Assembly on 24 December 2008 passed resolution 63/245, "Situation of human rights in Myanmar". Myanmar considers the resolution to be procedurally and factually flawed.

2. In terms of procedure the country-specific resolution is misplaced. It contravenes the letter and spirit of the General Assembly resolution creating the universal periodic review. With the creation of the universal periodic review mechanism the Human Rights Council is now in a position to undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each Member State of the United Nations of its human rights obligations and commitments in a manner which ensures universality of coverage. The Human Rights Council has already adopted a calendar detailing the order in which all 192 United Nations Member States will be considered during the first four-year cycle of the universal periodic review (2008-2011). The situation in Myanmar is scheduled for review in 2011

3. With regard to the facts, the resolution initiated by the European Union is inaccurate. It is not based on information from reliable sources but rather on unsubstantiated accounts provided by those who oppose the Government.

4. Human rights can best be promoted through understanding rather than through country-specific resolutions. This memorandum is being circulated to provide information on the situation obtaining in Myanmar.

II. Brief political background of Myanmar

5. Myanmar is a multi-ethnic, multi-religious country and is home to eight major ethnic groups comprising over 100 ethnic nationalities. It is situated in a strategic part of the Asian continent and is surrounded by countries with different political systems, cultures and religions. Its five neighbours include the world's two most populous countries, China and India. The challenges faced by Myanmar are therefore complex. The Government of Myanmar has to ensure harmony and maintain close and harmonious relations with her neighbours based on the five principles of peaceful coexistence. The unique circumstances of Myanmar should be taken into account whenever its situation is considered.

6. Myanmar opted for parliamentary democracy at independence in 1948. However, as the system did not live up to expectations it switched to socialism in 1974. Subsequently, in 1988, the socialist system was replaced with a multiparty system and a market-oriented economy.

7. As national unity is vital for the country, the Government has been striving to promote it. Peace overtures have resulted in the return to the legal fold of 17 out of 18 major armed insurgent groups. The door is still left open for the remaining armed group.

8. Now that peace and stability prevails in the country, the Government is focusing on the political, economic and social development of the country. A seven-step road map for transition to democracy was initiated in 2003. The general elections, the fifth step of the seven-step road map, are scheduled for 2010. Systematic steps are being taken to hold free and fair elections. Electoral laws will

be promulgated and the election commission formed so that political parties can contest the elections and State power can be handed over systematically to a government in keeping with the Constitution.

III. Cooperation with the United Nations

9. Cooperation with the United Nations is a cornerstone of Myanmar's foreign policy. It is in this spirit that Myanmar has been consistently cooperating with the United Nations in various fields, including in the field of human rights. Myanmar provides necessary information to United Nations bodies and submits reports to relevant United Nations treaty bodies.

10. Myanmar's engagement with the United Nations is reflected in the high-level visits to Myanmar of senior United Nations officials headed by the Secretary-General himself. Secretary-General Ban Ki-moon, visited Myanmar twice. His first visit took place soon after Cyclone Nargis hit Myanmar in 2008. He took part in the pledging conference and inspected the storm-affected areas. He returned a year later and witnessed first-hand the success of the cooperation by the Government of Myanmar, the United Nations and the Association of Southeast Asian Nations (ASEAN) in carrying out relief, rehabilitation and reconstruction work. During his last visit, he met twice with Senior General Than Shwe, the Chairman of the State Peace and Development Council as well as representatives of all 10 registered political parties and the seven ceasefire groups.

11. Special Adviser to the Secretary-General Mr. Ibrahim A. Gambari and other special envoys have visited Myanmar numerous times. Special Rapporteurs for Myanmar Prof. Paulo Sergio Pinheiro and Mr. Tomás Ojea Quintana, too, have been invited to Myanmar. Ms. Margareta Wahlström, Assistant Secretary-General for Disaster Risk Reduction, Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict, Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, Ms. Josette Sheeran, Executive Director of the World Food Programme, Mr. Kari Tapiola, an executive director of the International Labour Organization (ILO), Mr. Antonio Guterres, United Nations High Commissioner for Refugees, and Dr. Noeleen Heyzer, Executive Secretary of the Economic and Social Commission for Asia and the Pacific, are among the senior officials of the United Nations who have been to Myanmar between 2007 and 2009 at the invitation of the Myanmar Government.

12. The Myanmar Government extended full cooperation to Mr. Gambari during his visits to Myanmar. On his visit from 31 January to 3 February 2009, he not only had the opportunity to meet with senior government officials but also those from the political, social and economic spheres. Moreover, he had the opportunity to meet Daw Aung San Suu Kyi together with the members of the Central Executive Committee of the National League for Democracy (NLD) party. Prime Minister General Thein Sein also received him. In response to his request for the release of prisoners on humanitarian grounds, a total of 6,313 prisoners were granted amnesty on 20 February 2009 and a further 7,114 prisoners on 17 September 2009. Those released will be able to participate in the general elections next year in accordance with the law. The Government keeps the door open for a dialogue with Daw Aung San Suu Kyi, and Minister for Relations U Aung Kyi met and held talks with her on 3 and 7 October 2009.

IV. Combating illegal narcotic drugs

13. Myanmar has been waging a war against illicit narcotic drugs for decades. A comprehensive 15-year National Plan was put in place in 1999. National efforts against drugs are based on two strategies: first, to strive for the eradication of narcotic drugs as a national task and, second, to strive for the elimination of poppy cultivation through the promotion of the living standards of the national races residing in the border areas. These strategies are buttressed by strengthened legislation and effective law enforcement.

14. As a result of Myanmar's anti-narcotic endeavours, poppy cultivation decreased by 83 per cent between 1998 and 2009. Moreover, we have been able to declare opium-free zones in the Mongla, Kokang and Wa regions, the largest poppy-growing areas in the country. Myanmar aims to rid the country of narcotic drugs by 2014, one year ahead of the date set by ASEAN.

V. Promotion and protection of human rights

15. The promotion and protection of human rights must be addressed in the global context through a constructive, dialogue-based and non-confrontational approach. It is cooperation, rather than politicization of human rights, that can bring about improvements in human rights situations around the world. Myanmar strongly supports the position of the Non-Aligned Movement, which opposes and condemns selectivity and double standards in the promotion and protection of human rights, and the exploitation of human rights for political purposes.

16. Myanmar accords priority to the right to development and has been striving for the all-round development of the country.

17. The allegations of human rights violations invariably emanate from anti-Government elements. It is unfortunate that they have found their way into United Nations reports. Information should be thoroughly checked and verified before inclusion in official documents.

VI. Allegations regarding internally displaced persons

18. Peace and stability have been restored in the country with the return of 17 armed groups to the legal fold.

19. The issue of cross-border movement of peoples between Myanmar and Bangladesh is being addressed amicably between the two countries. With regard to the boat people in the Bay of Bengal, Myanmar has declared its willingness to cooperate with the countries in the region to find a solution. It is prepared to receive all those who provide proof that they are indeed from Myanmar.

20. In August 2009, the Government had to take action in the Shan State Special Administration Region 1 (Kokang) to enforce the law prohibiting the production and trafficking of illegal arms and ammunition and to prevent trafficking in illegal drugs and psychotropic substances. As a result, those who committed the offences fled the area. The situation has now returned to normal.

VII. Child soldiers

21. The Myanmar Armed Forces is an all-volunteer army. Those who enlist in the military do so of their own volition. Under Myanmar Defence Services and War Office Council instructions, individuals are not permitted to enlist in the armed forces until they have attained the age of 18. Forced conscription in any form is strictly prohibited. The Committee for the Prevention of Military Recruitment of Underage Children was established on 5 January 2004 and has been tasked to prevent recruitment of children, to protect the interests of underage children and to ensure faithful adherence to the orders and instructions for the protection of underage children. The Committee has adopted a Plan of Action to strictly ensure that children under 18 years of age are not recruited into the armed forces. The Committee has also set up a task force composed of the relevant line ministries, such as the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Labour and the Ministry of Social Welfare, Relief and Resettlement, to systematically supervise implementation of the Plan of Action.

22. In order to raise awareness among those who are involved in the recruitment process, the Government of Myanmar, UNICEF and NGOs are conducting workshops on the protection and promotion of child rights, and the directives and regulations governing the recruitment process. New recruits found to be underage are discharged and returned to their parents or guardians. Punitive action is taken against recruiters who contravene regulations. The Government has been providing detailed information regarding the progress of its awareness-raising activities, the number and specific particulars of the underage children discharged from the military and other pertinent data to the United Nations country team and to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. The addresses of the discharged recruits have been included in the list for ease of verification and follow-up activities by the United Nations country team.

23. Since the first visit to Myanmar by the Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswamy, a series of follow-up measures have been taken to address the question of child soldiers. At her request and pursuant to Security Council resolution 1612 (2005), a national focal point was established and a working group was formed in September 2007, headed by the Director-General of the Ministry of Foreign Affairs. The Government's Monitoring and Reporting Task Force is cooperating with the United Nations country task force to update its existing Action Plan to be in line with international standards. In August 2009, the Myanmar Government received a technical briefing team from the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to finalize the Action Plan. The Government has introduced a Finger Print Identifying Control System database at four major recruitment centres with a view to preventing the recruitment of underage children into the military.

24. A total of 185 underage children were returned to their guardians between 2006 and 31 May 2009. Disciplinary action has also been taken against 47 military personnel. In February 2009, the military Judge Advocate-General issued a reminder that severe action would be taken against those who recruit underage children.

25. Six armed groups that have come back to the legal fold, namely, the Democratic Karen Buddhist Army (DKBA), the Kachin Independence Organization (KIO/KIA), the Karenni National People's Liberation Front (KNPLF), the Myanmar National Democratic Alliance Party, the Karen National Union-Karen National Liberation Army (KNU-KNLA) Peace Council and the United Wa State Army (UWSA) have openly committed themselves not to recruit child soldiers.

VIII. Trafficking in persons

26. Myanmar has achieved considerable progress in its fight against human trafficking at both national and regional levels. The Penal Code, which provides heavy penalty against perpetrators, has been buttressed by the Anti-Human Trafficking Law enacted in September 2005. Under the law, the Central Body for the Prevention and Suppression of Human Trafficking, headed by the Minister for Home Affairs, and three working groups assigned with specific functions have been established to address human trafficking.

27. Myanmar is also participating in the regional anti-human trafficking process known as the Bali process. To strengthen multisectoral response to the human trafficking question in the Greater Mekong subregion an agreement was signed in Yangon in October 2004 in the context of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

28. Myanmar is a party to the United Nations Convention against Transnational Organized Crime and its two protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. Recently, a bilateral memorandum of understanding on the prevention of human trafficking was signed with Thailand.

IX. Violence against women

29. Myanmar's traditions and culture provide protection for women and girls from abuse, including sexual and gender-based violence. NGOs, such as the Myanmar Women Affairs Federation (MWAF), work actively to ensure that violence is not perpetrated against women. The allegations of sexual violence and gang rape invariably emanate from insurgent groups. Rape is severely punishable under the Penal Code and regarded as an abhorrent crime by Myanmar people. Gang rape is, therefore, an outrage and unimaginable in Myanmar.

30. As the new Constitution of Myanmar has been approved the Office of the Attorney-General has sent out the existing 342 domestic laws to various concerned ministries to review whether those laws are in conformity with the provisions of the new Constitution and Myanmar's international obligations under the conventions and treaties to which Myanmar is a party, such as the Convention on the Elimination of All Forms of Discrimination against Women.

X. Allegations of forced labour

31. Myanmar and ILO have enjoyed cooperative relations since Myanmar joined the organization in 1948. After four decades, Myanmar's traditional practice of contributing labour for community development activities was questioned by ILO. The issue was brought before ILO by anti-Government action under the mantle of free trade unions. Notwithstanding the measures taken by ILO, Myanmar continues to demonstrate its firm commitment to the eradication of forced labour in the country. It is working with ILO to foster mutually beneficial cooperation.

32. In February 2007, the Myanmar Government and ILO reached agreement on the establishment of a mechanism to address forced labour. The agreement has been implemented to the mutual satisfaction of the Government and ILO. The mechanism to deal with forced labour complaints is now fully operational.

XI. Religious tolerance

33. Buddhism is the religion of the majority of the people of Myanmar. However, other religions, such as Christianity, Islam and Hinduism, coexist and flourish in Myanmar. Freedom of worship is guaranteed by law and in practice. In major cities, pagodas, churches, mosques and Hindu temples can be seen side by side, testifying to the religious harmony and tolerance in Myanmar. Allegations of religious intolerance in Myanmar are groundless and are politically motivated. In respect to religious tolerance, knowledgeable observers consider it to be model.

XII. Economic and social development

34. The Government has devoted significant resources to develop the health, education and transportation sectors. With a view to narrowing the gap between rural and urban areas, the Government has been implementing the three National Development Programmes, namely (i) the Border Areas Development Programme; (ii) the Plan for 24 Special Development Zones; and (iii) the Integrated Rural Development Plan.

35. Sanctions against Myanmar are unwarranted. They are not only unjust but immoral. They deprive the people of their right to development.

XIII. Recent developments in Myanmar

A. Relief and rehabilitation in the aftermath of Cyclone Nargis

36. Cyclone Nargis, which hit the Ayeyarwaddy Delta, was the worst natural disaster in Myanmar's history. It resulted in extensive loss of life and property. The Government worked closely with the international community to provide assistance to the affected families and communities. Due to these efforts, Myanmar was able to overcome the emergency situation and prevent the outbreak of diseases. A tripartite core group, comprising high-level representatives of the Government of Myanmar, ASEAN and the United Nations, was established to coordinate relief efforts and to conduct a post-cyclone joint assessment. The success of the Tripartite Core Group

demonstrates Myanmar's willingness and ability to work with the international community.

37. On 9 February 2009, the Tripartite Core Group launched the Post-Nargis Response and Preparedness Plan, a three-year plan to guide recovery efforts following Cyclone Nargis. The recovery needs amount to US$ 691 million over the next three years. To date, only half of that amount has been committed by the international community. If more funds are forthcoming and donors fulfil their pledges, the rehabilitation process would be speedier and more effective.

B. Adoption of the new State Constitution

38. The new State Constitution was passed by 92.48 per cent of the total eligible voters in the referendum held on 10 May 2008.

39. The Constitution provides for a bicameral legislature and a presidential system of governance. The President will be elected by a presidential electoral college. The State will be composed of seven states, seven regions, five self-administered zones and one self-administered division. Nay Pyi Taw, the Capital, would be designated a Union territory. In keeping with the state structure, the Constitution also establishes 14 state and regional legislative bodies.

40. The Constitution has been drafted in accordance with the principles of constitutional law. In drafting the instrument, the drafters studied the constitutions of other countries. They also followed the Basic Principles and Detailed Basic Principles laid down by the National Convention reflecting the views presented by people from different strata of life in Myanmar.

41. The Constitution contains various legal aspects of constitutional law found in the constitutions of other countries. It contains Basic Principles of the Union, State Structure, Legislature, Executive, Judiciary, Defence Services, Citizens, Fundamental Rights, Duties of Citizens, Elections, Political Parties, Provisions for State Emergency, Amendment of the Constitution, State Flag, State Seal, National Anthem, the Capital, Transitory Provisions and General Provisions.

42. With regard to the Legislature, the Pyidaungsu Hluttaw[1] would be the principal organ. It would consist of the Pyithu Hluttaw[2] and the Amyotha Hluttaw.[3] The Pyithu Hluttaw will consist of 440 representatives and the Amyotha Hluttaw of 224 representatives. The representatives of the Pyithu Hluttaw and Amyotha Hluttaw will take turns for the speakership of the Pyidaungsu Hluttaw for two and a half years. The functions of the Hluttaws are in accordance with international standards and norms.

43. The Executive Head of the Union is the President. The Union Government will consist of the President, two Vice Presidents, the Ministers of the Union and the Attorney General of the Union.

44. In the Judiciary, there will be three levels of court in the Union. First, there will be the Supreme Court with its High Court of Regions and State, Court of Self-

[1] National Assembly.
[2] Equivalent to the lower house in similar systems.
[3] Equivalent to the upper house in similar systems.

Administered Divisions, Court of Self-Administered Zones, District Courts, Township Courts and the other Courts constituted by law. These courts will adjudicate in accordance with their own law without affecting the powers of the courts at the second and third levels. Secondly, the Courts Marshal will be constituted in accordance with the Constitution and the other laws and adjudicate with regard to defence personnel. Thirdly, the Constitutional Tribunal will have its own jurisdiction and have the duty to interpret the provisions of the Constitution and oversee whether the laws promulgated by the Pyidaungsu Hluttaw, the Region Hluttaw and Self-Administered Division Treaty Bodies and Self-Administered Zone Treaty Bodies are in conformity with the Constitution. It is not an executive body that interprets the Constitution or vets the laws promulgated. As in many legal systems, it is the Supreme Court that interprets law when application is made in a case. The Supreme Court interprets the law through case law.

45. A step by step mechanism is also provided for important ingredients of the Constitution, for example, State of Emergency. It empowers the President to make an ordinance and allows the administration of a particular place or the country be given to a body. The same would apply should there be danger of the Union disintegrating, should national solidarity be threatened or should there be a cause for loss of sovereignty. In both cases, the President, after coordinating with the National Defence and Security Council, shall promulgate an ordinance and declare a state of emergency which shall be subsequently approved by the Pyidaungsu Hluttaw at its next session. The duration of the ordinance would be for a year, after which a report would be made by the body to whom the power to administer is entrusted, e.g. the Commander in Chief of the Armed Forces.

46. Strict Codes of Conduct are also present under the Constitution. Whenever military personnel are transferred as ministers to ministries to perform their duties, they will be accountable to the President in the performance of all their duties. If there be misconduct, they shall be subject to both military law and civilian law, whereas civilian ministers will be subject only to impeachment.

XIV. Conclusion

47. Myanmar today is at a critical stage in its history. A new Constitution has been approved by 92.48 per cent of eligible voters. A democratic State aspired to by its people will emerge after the general elections in 2010. The Government of Myanmar has had to undertake a long journey and overcome formidable challenges. It is pursuing a policy of national reconciliation. It has been making relentless efforts to achieve social and economic progress. Progress would have been greater had it not been subjected to undue pressures, ranging from unilateral sanctions to the country-specific resolutions on Myanmar. Notwithstanding this, Myanmar today remains on track. The general elections, the fifth step of its road map, will be held in 2010 as declared. The Government has given full assurances that they will be free and fair, and necessary steps are being taken for the elections. All citizens, regardless of their political affiliations, will have the right to form political parties, conduct campaigns and contest the elections. At this juncture, Myanmar needs the understanding and cooperation of the international community, rather than pressure and resolutions that are prescriptive.

United Nations

General Assembly

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Sixty-fourth session
Third Committee
Agenda item 64
Report of the Human Rights Council

Letter dated 28 October 2009 from the President of the General Assembly to the Chairman of the Third Committee

I have the honour to bring to your attention that, at its 27th plenary meeting, on 28 October 2009, the General Assembly decided to consider the report of the Human Rights Council on its twelfth special session, as contained in document A/64/53/Add.1, directly in plenary meeting, without setting a precedent. I intend to convene a plenary meeting for this purpose on 4 November 2009 at 10 a.m.

(*Signed*) Ali Abdussalam **Treki**

09-58252 (E) 281009

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United Nations A/C.3/64/4

General Assembly

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Third Committee
Agenda item 69
Promotion and protection of human rights

Letter dated 11 November 2009 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the information on the elections to the Legislative Chamber of the Oliy Majlis and the representative bodies of the State authority of the regions, districts and cities, to be held in the Republic of Uzbekistan on 27 December 2009 (see annex).

I would appreciate your circulating the present letter and its annex as a document of the General Assembly, under agenda item 69.

(*Signed*) Murad **Askarov**
Permanent Representative

09-61170 (E) 201109 201109

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Annex to the letter dated 11 November 2009 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Elections to the Legislative Chamber of the Oliy Majlis, the Jokargy Kenes of the Republic of Karakalpakstan and regional, district and municipal councils of people's deputies to be held in Uzbekistan

On 27 December 2009, elections to the Legislative Chamber of the Oliy Majlis (Parliament), the Jokargy Kenes (Parliament) of the Republic of Karakalpakstan and regional, district and municipal councils (*kengashes*) of people's deputies will be held in Uzbekistan. The electoral campaign began on 22 September.

During its years of independence, Uzbekistan has established, in accordance with generally accepted international principles, an effective legal framework for the organization and conduct of electoral campaigns. Special care is taken to ensure a level playing field for all those involved in the electoral process.

Electoral commissions play a major role in the electoral system. Uzbekistan has developed a unique system of electoral commissions that has functioned extensively during the years of independence and has been commended by international experts and specialists.

Under the Oliy Majlis Elections Act, elections to the Legislative Chamber are organized and conducted by the Central Electoral Commission and by district and local electoral commissions. The basic principles of their activities are legality, collegiality, openness, independence and fairness. Their work is governed by the Constitution and electoral laws.

Electoral commissions at all levels are now actively preparing for the elections to the Legislative Chamber of the Oliy Majlis, the Jokargy Kenes of the Republic of Karakalpakstan and regional, district and municipal councils of people's deputies. They will play a special role in ensuring that citizens are able to exercise their free will in the forthcoming elections, which will be carried out on a multicandidate and multiparty basis. One hundred and thirty-five district electoral commissions have already been established for the elections to the Legislative Chamber of the Oliy Majlis and the process of forming local electoral commissions is under way across the country.

The electoral commissions provide leadership in organizing and managing the electoral process. Their functions and legal status are set out in the Central Electoral Commission Act, the Suffrage Guarantees Act, the Presidential Elections Act, the Oliy Majlis Elections Act, the Act on Elections to Regional, District and Municipal Councils and other legislative acts.

One of the most important features of the process of establishing electoral commissions in Uzbekistan is that it is democratic and collegial. The Central Electoral Commission is formed by the Oliy Majlis with no fewer than 15 members, which is evidence of its collegiality. Particular attention is paid to the selection of candidates for membership in the Central Electoral Commission. They are selected

from among authoritative representatives of the community by the Legislative Chamber and the Senate of the Oliy Majlis on the recommendation of the Jokargy Kenes of the Republic of Karakalpakstan and the regional and Tashkent municipal councils. It should be noted, however, that some of the members of Uzbekistan's Central Electoral Commission are permanent.

The Central Electoral Commission is the main body responsible for the holding of elections. The Commission has the power to ensure compliance with such democratic principles as the universality and equality of elections, ballot secrecy, fairness, freedom and openness.

Once the Central Electoral Commission has announced the start of an electoral campaign, district and local electoral commissions are established.

District electoral commissions are established by the Central Electoral Commission at least 70 days before the elections and comprise a chairman, vice-chairman, secretary and six to eight commissioners. It should be noted that candidates for membership in electoral commissions are discussed at meetings of the Jokargy Kenes of the Republic of Karakalpakstan and of the local and Tashkent municipal councils and are recommended for approval by the Central Electoral Commission. They are selected from among authoritative representatives of the community.

The district electoral commission is the main organizational centre for elections in the territory it covers. It monitors the implementation of electoral laws throughout that territory and ensures their uniform application, sets up polling stations and numbers them by district, publishes a list of polling stations and their addresses, and coordinates the activities of the local electoral commissions.

The local electoral commission is an important front-line component of the system of electoral commissions. By law, local electoral commissions are established 40 days before the elections. They are formed by the district electoral commissions upon the recommendation of regional and municipal *khokimiyats* (governing bodies). At military bases, polling stations are established by district electoral commissions at the request of the base or unit commanders. At Uzbek missions in foreign countries, polling stations are established by the Central Electoral Commission at the request of the Ministry of Foreign Affairs. In order to ensure that citizens have the necessary conditions to exercise freely their constitutional right to vote, a polling station generally serves no fewer than 20 and no more than 3,000 voters.

In order to ensure the openness of the entire electoral process, district electoral commissions inform the voters of the boundaries of each electoral district and the locations of the local electoral commission and the polling station.

At election time, timely establishment of accurate electoral rolls, a task for which local electoral commissions bear the greatest responsibility, is very important. All Uzbek citizens who will have reached the age of 18 by or on election day and who are permanent residents of an electoral district at the time of its establishment are entered on the electoral roll.

A voter may not be included on the electoral roll of another electoral district. An electoral roll is prepared for each electoral district by the local electoral commission and is signed by the chairman and secretary of the commission. The

local electoral commission usually calls upon representatives of the community to participate in drawing up the electoral roll. District and municipal *khokimiyats* supply the voter registers and provide the local electoral commissions with the information on resident voters they require in order to draw up the electoral rolls.

The electoral rolls for voters who are serving in the military and residing on military bases and for family members of soldiers and other voters residing in districts where military bases are located are drawn up on the basis of information provided by the commanding officers of the military bases. People serving in the military who reside off base are placed on the electoral roll for their place of residence in the regular manner.

The electoral rolls for polling stations at Uzbek missions in foreign countries and at sanatoriums, resorts, hospitals and other permanent medical institutions are drawn up on the basis of information provided by the management of those institutions. Voters' surnames appear on the electoral roll in the order convenient for the organization of voting.

The main duty of local electoral commissions during the preparatory period is to inform the public about the electoral rolls, which are made public 15 days before the elections. In polling stations established at Uzbek missions in foreign countries, at sanatoriums, resorts, hospitals and other permanent medical institutions and in remote regions and areas that are difficult to reach, they are made public two days before the elections. The local electoral commissions inform voters of where and when the rolls will be published.

Citizens are given an opportunity to consult the electoral roll at the office of the local electoral commission to check its accuracy. Every citizen has the right to appeal against his or her erroneous inclusion in or exclusion from the electoral roll and against errors in voter information. Appeals are considered by the local electoral commission, which must consider an appeal within two days — or immediately, if it is submitted the day before or the day of the elections — and make the necessary corrections to the roll or give the person who submitted the appeal a copy of the grounds for rejecting it. The commission's decision may be appealed, no later than three days prior to the elections, to the district (municipal) court, which must consider the appeal within two days. The decision of the district (municipal) court is final. The local electoral commission immediately corrects the electoral roll in accordance with the court decision.

A number of amendments have been made to the electoral legislation aimed at ensuring transparency and openness in the functioning of the electoral commissions. In particular, a provision has been introduced requiring the chairman of the local electoral commission or his or her deputy to announce the official results of the vote count and to make them public by posting them for at least 48 hours at the office of the local electoral commission.

The Central Electoral Commission has decided to admit to participation in the forthcoming December elections to the legislative and representative organs of state authority the People's Democratic Party (NDP), the Adolat Social Democratic Party (SDP), the Movement of Entrepreneurs and Businesspeople — Liberal Democratic Party of Uzbekistan (UzLiDep) and the Milliy Tiklanish Democratic Party.

This is yet further evidence that during the forthcoming electoral campaign one of the main principles of elections — the principle of the multiparty system,

which offers the electorate a broad and real alternative in exercising the constitutional right to vote — will be respected.

Systematic measures have been taken aimed at developing the multiparty system and ensuring pluralism of opinions in society. Study of the multiparty system in independent Uzbekistan shows that over the years of independence a substantial legislative framework has been developed which ensures conditions for the broad socio-political activity of political parties. A Public Associations Act, a Political Parties Act and a Political Parties (Financing) Act have been adopted.

Experience of conducting elections in independent Uzbekistan and the electoral legislation in force there guarantee the democratic nature and effectiveness of the forthcoming elections. Certainly, these elections will constitute an important step in the development of a democratic society ruled by law in Uzbekistan.

The activity of a political party and its significance cannot nowadays be viewed in isolation from the development of the parliamentary system. Indeed, acceptance of a party's active participation in the lawmaking process is one of the most effective ways of securing attainment of its programme objectives, providing for the drafting of bills, and also the introduction of amendments and additions to legislation in force taking into account the need to protect and advance the interests of the people voting for the political parties and their manifestos.

An important stage in the development of the legislative framework for the multiparty system in Uzbekistan consisted of the Constitutional Act on the Legislative Chamber of the Oliy Majlis and the Act on the Rules of Procedure of the Legislative Chamber of the Oliy Majlis. These acts strengthened the position that the Legislative Chamber is constituted on a multiparty basis. For the first time, a set of measures regulating the procedure for establishing the activity of the political parties' parliamentary groups was incorporated into the legislative instruments on Uzbekistan's Parliament.

The formation of the parties' parliamentary groups led to an improvement of the mechanism for healthy competition and constructive rivalry not only in lawmaking, but also in the adoption of vital decisions aimed at the further liberalization of the public political and socio-economic reforms under way.

In February 2005 the Democratic Bloc was formed in the legislative chamber of the Oliy Majlis, bringing together the parliamentary groups of UzLiDep, the Fidokorlar National Democratic Party and the Adolat SDP, which constituted the parliamentary majority. The Bloc proclaimed its objective as being to unite efforts so that, with a voting majority, it could ensure preparations for the adoption of the legislation required to deal with the problems of protecting human rights and freedoms, renewing the life of the State and of society, enhancing social and economic reforms and in addition implementing vital programmes for the modernization of society, laying the foundations for civil society and creating a free economy. The activity of the Bloc was aimed at drawing up and implementing programmes of lawmaking activity that reflected national interests and provided for the solution of problems in the political, economic, social, spiritual/educational and foreign policy areas.

The reaction to the uniting of the three parties' parliamentary groups into the Bloc was the announcement by the NDPU group in Parliament, which in fact ranked second in numbers, that it was in opposition to the Bloc. For the first time in

national parliamentary practice, the NDPU group positioned itself as the minority opposition party in Parliament.

Defining its political position as the left wing of the political forces represented in Parliament, the NDPU faction stated that "in the drafting, discussion and adoption of specific bills in the Legislative Chamber, it will adopt its own independent stance, which perhaps will not coincide with the position of the parliamentary majority".

This formalization in the Legislative Chamber of the parliamentary majority and the parliamentary opposition became the organizational foundation for healthy competition between groups and the introduction of an effective mechanism of checks and balances. The development of competition in the Legislative Chamber of the Oliy Majlis has ensured more harmonious reflection in lawmaking activity of the various public interests, and consequently an increase in the quality of the laws adopted and of their execution.

Mention must also be made of the importance of the Constitutional Act, adopted on the initiative of the Head of State, on strengthening the role of political parties in the renewal and further democratization of State governance and the modernization of the country, which in the timeliest possible manner laid the legislative foundation for further pursuit of the democratic reforms and the structuring of the political interests of the electorate and the body of deputies.

These changes transform the political parties' groups in Parliament into a decisive element in the attainment of their programme objectives. From now on, the level of participation of civil society institutions in the reforms under way with a view to the democratic renewal and modernization of the country will depend in no small measure on the work of the political parties' parliamentary groups.

The Constitutional Act also strengthened the role of the political parties' associations of deputies in the representative organs of authority both centrally and at the local level. The provisions of this Act laid the foundations for the exercise of effective public control over the entire system of executive authority, from the Government to the organs of local authority, thus facilitating a strengthening of the role of the political parties and their practical significance in the life of society.

The Act also gave the political party group proclaiming itself as the parliamentary opposition fairly substantial additional guarantees groups regarding its activity. In particular, article 2 of the Constitutional Act provides that "the factions of the political party which proclaim themselves as the parliamentary opposition shall have, together with the powers assigned by law to the groups, the right to submit alternative wordings for bills together with a report on the matter at issue of the responsible committee of the Legislative Chamber, and to introduce into the record of plenary meetings of the Legislative Chamber their specific views on the issues under discussion", as well as a number of other rights. At the same time, the article establishes that the rights of the parliamentary opposition guaranteed by law may not be restricted by the parliamentary majority.

The new political situation that emerged after the adoption of the Constitutional Act and the opportunities it created led the political parties to review their activities. To a certain extent, this also explains why two political parties which had representatives in Parliament — Fidokorlar NDP and Milliy Tiklandish DP — decided to merge their forces and capabilities against a

background of increasing inter-party rivalry. In this connection the representatives of the parties stated that the merger stemmed from their common programme objectives, and it was emphasized that the unification of these two parties with similar ideological programmatic aims created new political and organizational opportunities for effective problem-solving and would enable the new party to position itself as one of the leading political forces, possessing considerable potential and the support of the people who voted for it.

The political parties began to position themselves more precisely in the political arena and to defend the interests of their voters much more effectively; the arsenal of the political struggle was expanded, as was the range of methods used for the attainment of their objectives within the framework of the law. The next important step towards strengthening the role of the political parties in the socio-political life of the country, which greatly enlarged their role and significance in society, was the adoption, on the initiative of the President of Uzbekistan, Islam Karimov, of the Act amending and supplementing certain legislative acts in the light of the improvement of the electoral legislation.

The adoption of this Act marked a further stage in the liberalization of domestic electoral law, fully in keeping with the spirit of the democratic changes taking place in Uzbekistan and global democratic trends. It significantly increased the involvement of Parliament and civil society institutions in these trends and their opportunities for participating in them.

For example, the Act increased the number of deputies in Parliament to 150. Of this total, 135 seats are for deputies from political parties elected on a multiparty basis and by universal, equal and direct suffrage in a secret ballot to represent local single-member constituencies. The other 15 seats are for deputies elected from the Environmental Movement of Uzbekistan to represent the country's local administrative subdivisions.

A further innovation was that candidates are now nominated only by the political parties. This imposes on the parties an even greater responsibility towards the electorate. In addition, the parties' functions in the electoral process itself were extended. The Act introduced the position of authorized party representative, who has the right to take part in the verification by the Central Electoral Commission of the regularity of the compilation of the lists of signatures supporting the nomination of candidates and in the counting of votes at polling stations; this procedure will provide an additional guarantee of the openness and transparency of the electoral process. The maximum number of official agents of candidates for election to Parliament was doubled from five to 10, and political parties were given the right to organize and conduct meetings with voters on their own initiative.

One very important feature of the 2009 elections is that they will take place under the qualitatively new political and socio-economic circumstances resulting from the adoption of the Constitutional Act on strengthening the role of political parties in the renewal and further democratization of State governance and the modernization of the country, which has had an enormous influence on the development and consolidation of the multiparty system in Uzbekistan and on the expansion of the role of political parties in the work of the Legislative Chamber of the Oliy Majlis and the elected local authorities and in the organization of the executive branches of central and local government

Accordingly, the recent changes in the electoral law justify the assertion that the elections to the Legislative Chamber, as well as to the local councils of people's deputies, will take place in an atmosphere of fairly fierce competition among the political parties. There has already been a perceptible increase in their pre-election activities, reflected both in their endeavour to use all the new forms of political technology when campaigning among the people and in the materials put out by their party media.

In this situation, of course, very much will depend on the position of the Central Electoral Commission. The Policy Outline on the preparation and conduct of elections to the Oliy Majlis and the provincial, district and municipal councils of people's deputies contains provisions excluding the granting of any advantages or preferences to any of the participants in election campaigns, specifying the Central Electoral Commission as the principal organizer of the conduct of election campaigns, and prohibiting interference by any person in the electoral process. The Policy Outline stipulates that the rules and requirements of the electoral law and the procedure for the preparation and conduct of elections specified by law and in the Policy Outline shall be binding on and identical for everyone.

The foregoing account shows that the improvement of the political organization of society in Uzbekistan has become a dynamic and constantly developing process.

Uzbekistan is gradually climbing to a qualitatively new level of political development, at which the parties are becoming a more sophisticated instrument of the democratic process and a means of stimulating the people's participation in managing the business of society and the State.

All of this increases the societal responsibility of the political parties to ensure the successful implementation of the ongoing reforms. In discharging this responsibility the parties themselves must seek ways of developing the political system, advancing proposals for reform, working to improve their own organization, and becoming more self-sufficient. This is the only way for a party to acquire maturity and sustained electoral support, form a strong group in Parliament, and fulfil its obligations to the people who voted for it.

Uzbekistan's political parties have thus become an essential tool for stimulating citizens' political and social activity and for expressing the people's will and opinions through the electoral process and direct participation in the formation of the central and local organs of government, all of which is giving a powerful boost to the country's further democratization and modernization. However, much remains to be done: there is a great potential for the parties to realize. Specifically, they must learn how to oppose each other in a constructive spirit while at the same time working as partners in determining the State's strategies, to prepare and bring forward from their own ranks persons capable of making a competent contribution to the management of the affairs of the State and society, and to enhance the people's political development.

The political parties have now elevated their activities to a qualitatively new level, and their standing in society is gradually being consolidated. It may be confidently asserted that the experience of political activity gained in the elections to the Oliy Majlis in 1994, 1999 and 2004 will enable the parties to play a successful part in the forthcoming 2009 elections as well.